

Ronald Wilcox, State Bar No. 176601
Attorney at Law
2160 The Alameda, 1st Floor., Suite F
San Jose, CA 95126
Tel: (408) 296-0400
Fax: (408) 296-0486
ronaldwilcox@yahoo.com

Attorney for Plaintiff

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JEANNIE PANAHIASL and SANDY
PIERSON, on behalf of themselves
and members of the general public,

Plaintiffs,

vs.

CreditCare, Inc. d.b.a.
CREDITC.A.R.E., Inc. and MIKE
GURNEY a/k/a TOM WRIGHT,

Defendants.

CIV. NO. C04-04479 JF

REQUEST TO CONTINUE CASE
MANAGEMENT CONFERENCE, AND
POSTPONE OTHER MATTERS, and
[PROPOSED] ORDER

Date: November 18, 2005
Time: 10:30 AM
Courtroom 3

The parties hereby submit this joint statement:

There are currently two pending matters against Creditcare, Inc. and Michael Gurney being presided over by Hon. Jeremy Fogel (*Wyatt v. Creditcare, et al.* and *Panahiasl v. Creditcare, et al.*). On November 8, 2005, the Court entered an Order allowing the Silicon Valley Law Group to withdraw as counsel for defendants Creditcare, Inc. and Michael Gurney.

Defendants' Counsel has Withdrawn; Parties Have Agreed to Postpone Matters

Defendant Michael Gurney's continued deposition had been noticed for November 14, 2005. The deposition of the original creditor of the underlying alleged debt, Dr. Hughes, D.D.S., had also been noticed for November 14, 2005. Furthermore, depositions of plaintiffs were to take place in

11/14/2005 02:32 7781184

CREDITCARE

PAGE 01

From: LAW OFFICE OF RON WILCOX

408 296 0486

11/09/2005 22:20 #032 P.007/008

1 December 2005 and February 2006 (the parties have agreed to the above sequence of the depositions).
2 Finally, plaintiffs were to respond to written discovery on or about November 16, 2005.
3

4 Defendant Michael Gurney, president of Creditcare, Inc., had indicated he has spoken to other
5 attorneys, expects to hear back next week from potential counsel, and will retain counsel promptly.

6 In light of defendants not having counsel at this time the parties have agreed to post-pone the above
7 pending matters. Defendants will immediately inform plaintiffs once new counsel is retained, and the
8 parties will then meet and confer to discuss the rescheduling of the above-matters.
9

10 Defendants had filed motions to stay class discovery in both matters, since the Court had yet to
11 certify a class. The court has now certified a class. The parties request that the Court post-pone the
12 Motions to Stay Class Discovery (currently set for December 13, 2005 and December 21, 2005), by
13 withdrawing them from calendar, to be reset, after defendants' new counsel meets and confers with
14 plaintiffs.

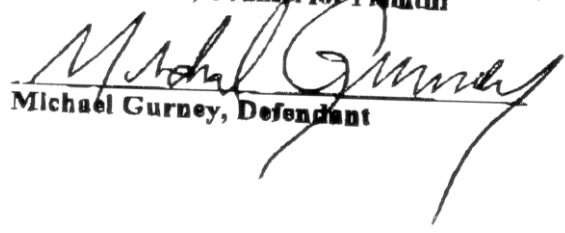
15 **Request to Continue CMC from November 18, 2005 to**

16 In light of the above, the parties believe it would be appropriate to continue the Case
17 Management Conference from November 18, 2005 to December 9, 2005.
18

19 Dated: November 10, 2005

20 
21 Ronald Wilcox, Counsel for Plaintiff

22 Dated: November 10, 2005

23 
24 Michael Gurney, Defendant
25
26
27
28

[PROPOSED] ORDER

The CMC set for November 18, 2005 is continued to December 9, 2005.

The Motions to Stay Class Discovery, set for December 13, 2005, and December 21, 2005, are off calendar until Defendants' counsel meets and confers with plaintiffs counsel to reset the matters.

IT IS SO ORDERED:

s/electronic signature authorized

11/14/05

HON. JEREMY FOGEL, U.S. DISTRICT COURT JUDGE DATE